

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:**            **Thursday, May 4, 2006, @ 6:30 P.M.**  
                                 **Office of Zoning Hearing Room**  
                                 **441 4<sup>th</sup> Street, N.W. Suite 220**  
                                 **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 06-05 (Text Amendment – Removing the reference to R-4 Districts from Section 410, Special Exceptions for Groups of Residential Buildings)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

The Office of Planning, through a report dated February 2, 2006, requested a text amendment to strike the reference to the R-4 Zone District from subsection 410.12 of the Zoning Regulations (DCMR Title 11).<sup>1</sup> The Office of Planning's report served as the pre-hearing submittal for the case. Section 410 permits an exception to the rule that no more than one principal structure may be built on a single record lot in residence zones, by authorizing the Board of Zoning Adjustment ("BZA") to deem such multiple structures to be a single building in R-4 and R-5 Districts. The proposed text amendment would no longer allow this relief to properties located in an R-4 District.

This case was set down for hearing on February 13, 2006, at which time the Commission also adopted the rule on an emergency basis and authorized the publication of a notice of proposed rulemaking.<sup>2</sup> In addition, the Commission also authorized the advertisement of an alternative amendment that would repeal § 410 in its entirety. The Commission also waived § 3013.1 of its rules of procedures, which would have required a twenty-day waiting period before publication.

The following amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed in the alternative

A. Section 410 in Chapter 4 RESIDENCE DISTRICTS: HEIGHT, AREA AND DENSITY REGULATIONS of Title 11 (DCMR) is amended as follows:

1. The heading is amended to reads as follows:

410     SPECIAL EXCEPTIONS FOR GROUPS OF RESIDENTIAL BUILDINGS IN  
           R-5 DISTRICTS

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<sup>1</sup> The version of § 410.12 that appears in the current edition of the Zoning Regulations does not contain this reference, but the prior edition of Title 11 did. A review of all amendments made to § 410.12 between the publications dates of the two editions reflects no amendment to § 410.12. However, the Commission has been advised by the Office of the Attorney General that all of § 410.12 may have been repealed in 1970.

<sup>2</sup> A Notice of Emergency and Proposed Rulemaking is being published elsewhere in the same edition of the *D.C. Register*.

2. Section 410.12 is amended by striking the phrase “In the R-5-A and R-4 Districts,” and inserting the phrase “In an R-5-A District,” in its place; or

B. Section 410 in Chapter 4 RESIDENCE DISTRICTS: HEIGHT, AREA AND DENSITY REGULATIONS of Title 11 (DCMR) is repealed.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01 (2001), *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.**